

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

January 25, 2016

7:00 p.m.

Present: Ron Van Kirk
Tony DeMarco
Debbie Tomusko
Kathy Pucci
Mary Albier
Kevin Tanski
Barb Paulitzky

Absent: None

Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION by Tanski, second by Van Kirk to approve the minutes from the Organizational meeting of January 4, 2016. **VOTE RESULTED:** *Approve:* Yes: Van Kirk, DeMarco, Albier, Tanski, Paulitzky. Abstain: Tomusko, Pucci. No: None. **(APPROVED)**

Interim President Van Kirk said the meeting will start off with a couple of Proclamations by the Mayor.

Mayor Gallagher said we will honor tonight two Police Officers for their exceptional work. She invited Sgt. Cindy Eschweiler and family and Chief Mielke to come to the podium. The Mayor said Sgt. Eschweiler received accommodation from the Chief, but wished to further recognize her by presenting her with a Mayor's Proclamation on behalf of the community, for her outstanding and exceptional effort negotiating a domestic disturbance situation on Jan. 2, 2016. Upon receiving the Proclamation, Sgt. Eschweiler spoke and expressed her appreciation for the recognition and feels humbled because it's what she does for her job and doesn't expect it. She noted it was the members of her shift that responded without hesitation to the call for shots fired, concerned for the safety of victims and residents; specifically Patrolmen Aftim, Psota, Phillips and Gasior.

Mayor Gallagher also wanted to recognize and award Sgt. Joe Tenhunfeld, who is not here tonight, for his exceptional efforts in the investigation for the missing girl. She has a Mayor's Proclamation she will present to him.

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Int. Pres. Van Kirk also congratulated Sgt. Eschweiler and Sgt. Tenhunfeld, and all of our officers and Chief Mielke, for their hard work; the residents of Brooklyn are grateful for the safety services we have. Updated that Council met last Monday for a Special mtg. to fill the vacant seat left by now Mayor Gallagher, went into executive session, then came back and appointed Debbie Tomusko as Councilperson. She will complete the vacated term that ends Dec. 31, 2017. On behalf of Council he welcomed Councilwoman Tomusko and look forward to working with her. He further thanked Mike Changeri for also apply for the position and his willingness to serve the city. He also thanked Andy Celcherts for his work on Council the last two years, where he worked hard to see numerous improvements to the city, working on getting the road projects started and completed ahead of previous years, and worked to get the Service Dept. much needed equipment. On behalf of Council welcomed Andi Udris as the new Economic Development Director, coming highly recommended. On the Agenda are two confirmations: Ryan Kelber to Rec Bd. and Michelle Rivera to Civil Service Comm.; Ord. 2015-72, to remain in abeyance from last meeting, to purchase a 2017 smaller version one-armed garbage truck; Ord. 2015-77, on third reading, for the full-time position of Economic Development Dir.; Ord. 2016-1, authorizing a Stormwater Management Program Agreement with NEORS; Ord. 2016-2, authorize an agreement with Civil & Environmental Consultants for services for 2016 for the landfill not to exceed \$44,350; Ord. 2016-3, authorizing an agreement with Civil & Environmental Consultants to provide engineering assistance for the landfill for \$16,267; Ord. 2016-4, authorizing emergency repairs for compost pond/pumping lift station at the landfill from Independence

Excavating for \$42,103.48. At the conclusion of the meeting there will be an executive session to discuss matters of personnel relating to the Law Dir. (interview the Mayor's choice), then reconvene and take a vote on the appointment. At the conclusion of this regular meeting Council will reconvene in a special meeting to continue its Organizational meeting for 2016.

#### **PUBLIC SESSION:**

*Bob Hennings* of 4643 Winter Ln. reminded that the Athletic Boosters has their annual Night at the Races. Tickets are \$25; there are 50/50 tickets, baskets and side boards. Sponsorships and horses have all been sold. Home cooked food.

*Rick Cyngier* of 6211 Delora, also a member of School Bd., as is Mr. Hennings recently elected. The new K-7 building is complete. Thanks everyone here tonight and in the past who've helped make it happen. A dedication took place on Jan. 19<sup>th</sup> at the School Board meeting, with a Resolution thanking the architects and construction managers and company. The bronze plaques that were in the old Roadman and Brookridge Schools are located in the new Middle School's foyer, with a new plaque. Congratulated Mayor Gallagher and wished her the best; and the re-elected, elected and appointed Councilmembers. Also thrilled to see Andi Udris as Econ. Dev. Director; he's known him for 30 years, working together under Mayor Voinovich. Andi was instrumental for a lot of things that happened in Greater and Downtown Cleveland; and Brooklyn is lucky to have him and his expertise here, for the future prosperity for the City of Brooklyn. Gave thanks and appreciate to city leaders and the residents who support the schools, ensuring students will have a 21<sup>st</sup> Century learning environment. Please support the Hurricanes and sporting events; our athletes are fantastic and we have great sports programs.

*Angret Georgi* of 9508 Behrwald, spoke about Issue 3 being voted down, and cited articles (specifically Time magazine) about the slight and rare effectiveness of medical marijuana as a pain killer.

#### **REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:**

Finance Committee (Councilwoman Pucci): The Comm. met at 6:15 and recommended: Ord. #2015-77 (defer to budget process, hold in abeyance); emergency adoption of: Ord. 2016-1 (stormwater mgmt. program with NEORSD) (relating to a matter in the courts for a stormwater management fee, which after a number of years has been settled, and there are fees imposed on impervious property surface (approx. \$6.24/quarter), incentives, and designated funds for communities); Ord. 2016-2 (agree. w/ CEC, Inc. for consulting/engineering services for Landfill for \$44,350); Ord. 2016-3 (agree. w/ CEC, Inc. for engineering assistance for \$16,267 – mandated by the EPA for addressing and containing runoff from the compost area); Ord. 2016-4 (emergency repairs/parts for compost pond pumping lift station from Independence Excav. for \$42,130.48). Had an update from Dir. Verba on city's facilities needs assessment, from proposals received from several firms; it will be on next meeting's agenda, receive a scope of work, for about a four month project. The first 2016 budget meeting is Feb. 1<sup>st</sup> at 6:45 p.m.

Recreation Board (Councilman Tanski): Monthly and yearly passes are on special for January; along with free Get Fit classes Jan. 25- Jan. 31<sup>st</sup> (30 plus classes). Weekly class schedules are at the front desk at Rec Center, or call 216-351-5334. The next mtg. will be Tues., Feb. 9<sup>th</sup> at 7 p.m. in the Rec Center meeting room.

Zoning Bd. of Appeals (Comm. Kulcsar): The Bd. of Zoning Appeals met Jan. 21<sup>st</sup> to hear requests: from Agile Sign and Light Maint., Inc. for a setback variance of 5' from the sidewalk to edge of sign, a sign maximum height variance of 3'2" for a freestanding illuminated full-color message sign for business identification of Cleveland Bible Baptist Church at 4431 Tiedeman (it was approved at the 12/16/15 Planning Comm. mtg. contingent upon variances, which were approved); a request that was deferred from D. Sternberg of 5 Star Media LLC to erect a 14x48' double-faced billboard with lighting at 5111 Tiedeman Rd. (it was denied by Planning Comm., this is an appeal request.)

Planning Commission (Councilwoman Pucci): The next Comm. meeting is Feb. 4, 2016 at 6 p.m. in the Conference Room at City Hall for two requests: from R. Plaga of Granger Body to install a 40 sq. ft. wall mounted aluminum sign with vinyl letters for business identification of Granger Body Co. at 10904

Brookpark Rd.; from M. Hatab of Golden Pyramid Int. for a wall mounted illuminated sign panel change and added window signage for business identification of Golden Pyramid Int. at 7467 Memphis Ave.

### **REPORTS OF COUNCIL:**

**Tony DeMarco:** Commented on economic development, as he has in the past. He proposed Ord. 2015-77 which establishes a full-time position of Econ. Dev. Director. Welcomed Mr. Udris. His opinion our efforts in economic development have been lackluster since he's been on Council. He looks forward to working with him, and offers any help. He doesn't just thing about American Greetings property for economic development, but other areas in the city needing attention. He'd like to see a residential component to our economic development efforts. Welcomed Deb Tomusko to Council and looks forward to working with her. He offered anything to help bring her up to speed quicker.

**Debbie Tomusko:** Said she'd grateful for the opportunity to serve the city, and looks forward to working with fellow Councilmembers, as a group, and the new Administration and department heads; and working to make Brooklyn the best city it can be. When her e-mail is up and running people can contact her and share their thoughts.

**Kathy Pucci:** Announced the Brooklyn Community Improvement Corp. annual meeting is Feb. 1<sup>st</sup> 1t 6 p.m. in the Conference Room at City Hall (open to public). Safe Routes to School Comm. meeting Jan. 26<sup>th</sup> at 7:30 a.m. at the Elementary School. The Greater Cleve. Trails and Greenways 2016 conference is June 2<sup>nd</sup> from 8:30-5:30 at the Brecksville Human Services Center. More info will be on the city's website. Congratulated and welcomed newest Councilmember Debbie Tomusko, looking forward to working with her and help bring her up to speed. She will use her broad expertise to help our community. Thanked Mr. Celcherts for his service, and would like a Resolution at the next meeting thanking him for his service to the community. Congratulated Sgt. Eschweiler for recognition of her efforts during the standoff situation. She's known and worked with her on many things and she's an outstanding and dedicated officer. Also congratulated Sgt. Tenhunfeld on his lead in the case to bring the young lady home. Welcomed Mr. Udris and looks forward to working with him.

**Mary Balbier:** Welcomed Mr. Udris. When she found out he had something to do with Haufbrau Haus & Restaurant she knew he would be a hard worker. Welcomed and look forward to working with him. Welcomed Debbie Tomusko, she will do a great job on Council; thanked her for accepting. Thanked our Police force, with their amazing response time. Her husband worked with Cindy Eschweiler and complimented her efficiency and being on point. Sends condolences to Fr. John from St. Theodosius Church (and Ridge Manor/Agostino's Catering) on the loss of his son; asks he be kept in thoughts and prayers.

**Kevin Tanski:** Welcomed Debbie Tomusko to Council. Recognized Cindy Eschweiler and the Police Dept. for disarming a bad situation. Recognized Andy Celcherts for his dedication and service on Council. Gave a big hand of applause to Andi Udris on taking on economic development being part of the team. Said he's been working the landfill and what we can do with the space; still in contact with Mike Foley, director for sustainability for the County, and with Marcie Kaptur's office to see what we can do as far as grants and the space. Mike Foley responded by e-mail that he drove by the site and had some questions on ownership, environmental reports, and power service providers; added he thinks it could be a good use for solar. He will try to get a meeting set up with Mr. Foley, himself and the Mayor; then move it to the Sustainability Committee. Something down the line might help with the use of this land for the city.

**Barb Paulitzky:** Welcomed Debbie, but can't offer advice because she is just as new, and they can try it together. Welcomed Mr. Udris, is looking forward to what he can do for our city. Thanked Andy (Celcherts) for all he has done for the city; she knows what he's done for the Historical Society and other things he has done. Unfortunately there can only be seven on Council. Wanted to report on something she read that she would suggest be shared with people – someone received a letter from Dept. of Health and Human Services about tax form 1095-B, regarding the Affordable Care Act requirements for health insurance, those under 65 having part A Medicare in 2015 must file the form on Federal Income Tax return. Her problem with it is this person has limited income and not even filed a return for several years. In contacting Marcie Kaptur's office they were not aware of this, but contact Dept. of Health and Human

Services and were told if people's incomes did not require them to file the form in the past they don't have to file in order to complete form 1095-B. Ms. Kaptur's office further told them a follow-up letter be sent to clarify this issue for people. This only applies to those on Medicare disability and under age 65.

**Ron Van Kirk:** Visited Keystone Tailoring (former Hugo Boss) a couple weeks ago with the Mayor to present them with their economic development check as promised by the city. The Mayor will give details, but he said exciting things are happening at Keystone and we are blessed to have them.

#### **MAYOR'S REPORT:**

**Mayor Gallagher:** Welcomed Debbie to Council and looks forward to working with her. Andi Udris, new Economic Development Dir. comes with over 40 years experience: worked with US Dept. of Housing and Urban Development in Washington, City of Cleveland Economic Development; Grubb and Ellis real estate, City of Cincinnati as Econ. Dev. Dir., Kansas City, Fort Wayne, and now with us. Also lectures for graduate students at Cleveland State, and is President and CEO of the Cincinnati Restaurant Group. We're lucky to have him and that he joined our team, and looks forward to all he will do for the city. Mr. DeMarco brought up housing component, and Mr. Udris was the only person in interviews that brought that issue up, and something she feels is missing in the city. He's already started to work with Bldg. Comm. Kulcsar on some issues, so is looking forward to what can be tackled there. Post-closure estimates came in, with the city owing about \$2,614,000 over the next 30 years (about \$87,000/year). Though officially closed there are expenses to pay for, and most of it is already set aside. She will have a State of the City on Feb. 15<sup>th</sup> for Democratic Club at the Senior Center, all are welcome; and again on Feb. 18<sup>th</sup> at the Westbrook Apts., hosted by the Chamber of Commerce (must sign in at the Chamber's website.) Thanked Andy Celcherts for his service on Council. Things have been said about great things he's done, and they talked about a Resolution and it's not something he wants. But she formally thanks him for everything he's done. She has a Law Director choice to address in Executive Session; and thanked Tim Dobeck, the elected Law Dir. for Parma, and our interim Law. Dir. Tom Kelly, also Law Dir. for No. Royalton, for going through the entire process – with 22 candidates, reviewed resumes, narrowed down for interviews, and helped her select the best candidate, and she hopes Council agrees with her.

Councilwoman Pucci asked Dir. Verba, relating to the landfill, there were many ideas kicked around, solar being one of them long ago – isn't it a lengthy period where we cannot do anything at all? Dir. Verba said there are certain stipulations to maybe get things done sooner, and he will contact CEC and go over it with them. When they were walking the landfill they talked about it, and solar wasn't a good idea, that if there was a sustainability idea it might have to be wind. They can advise us on that. She said it would be good to get specific information from them as far as the lengthy waiting period. Dir. Verba agreed the rules are quite lengthy and almost a book in itself of what we can and can't do. But we will get on the process. The information is on the EPA website.

#### **DIRECTORS REPORTS:**

Econ. Dev. Dir. Udris: Thanked everyone (Mayor, Council, staff, all who have helped him) these last eight days on the job; it's uplifting to join this organization and start producing something and running right away. He's excited for this opportunity, and thanked for all the comments made, and puts the pressure on him to deliver, and he will try not to disappoint. Announced the CIC annual mtg., as mentioned, is Feb. 1<sup>st</sup>, a routine and required meeting, and will be electing officers. Working with the Chamber of Commerce – their Taste of Brooklyn is Feb. 27<sup>th</sup> at Ridge Manor from 7-10 p.m. Interviewing businesses and other members for the "SWAT" process (strengths, weaknesses, opportunities and threats study to develop an economic development plan used for marketing our sites and processes), for a combined direction in terms of economic development incentives and type of business to attract to Brooklyn. He's been working on one property with a developer who called on a property he'd like to bring a tenant to the city; and also with three property owners to try to advance their properties further. So staying busy in his few days here.

**CONFIRMATIONS:**

Mayor Gallagher requests Council Confirmation for the appointment of Ryan Kelber to Brooklyn's Recreation Board, to fill a current vacant position with the term expiring 12/31/17. (highlights of his resume were read) **MOTION** by Pucci, second by Van Kirk to confirm the appointment. **VOTE RESULTED:** *To Confirm Appointment:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(APPOINTMENT CONFIRMED)**

Mayor Gallagher requests Council Confirmation for the appointment of Michelle Rivera to the Civil Service Commission, to fill a current vacant position with the term expiring in 2021. (highlights of her resume were read) (she will resign from her position on the Recreation Board if confirmed) **MOTION** by Pucci, second by Van Kirk to confirm the appointment. **VOTE RESULTED:** *To Confirm Appointment:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(APPOINTMENT CONFIRMED)**

**LEGISLATION:**

**ORDINANCE 2015-72, (IN ABEYANCE)**

**ORDINANCE 2015-77**, Establishing full-time position of Economic Development Director. **MOTION** by Pucci, second by Tanski to hold in abeyance for further budget process. **VOTE RESULTED:** *To hold in Abeyance:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(IN ABEYANCE)**

**ORDINANCE 2016-1**, Authorizing the Mayor to enter into a Stormwater Management Service Agreement with the NOERSD for implementation of the Regional Stormwater Management Program. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *To Suspend the Rules:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. *To Adopt:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ADOPTED)**

**ORDINANCE 2016-2**, Authorizing the Mayor to enter into an agreement with Civil & Environmental Consultants, Inc. to provide consulting and other services for 2016 for the Sanitary Landfill in the amount not to exceed \$44,350. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *To Suspend the Rules:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. *To Adopt:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ADOPTED)**

**ORDINANCE 2016-3**, Authorizing the Mayor to enter into an agreement with Civil & Environmental Consultants, Inc. to provide engineering assistance relating to the Sanitary Landfill for the estimated cost of \$16,267. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *To Suspend the Rules:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. *To Adopt:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ADOPTED)**

**ORDINANCE 2016-4**, Authorizing and approving the emergency repairs and parts for the compost pond pumping/lift station at the Sanitary Landfill from Independence Excavating the amount of \$42,130.48 as specified in their proposal. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *To Suspend the Rules:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. *To Adopt:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ADOPTED)**

**MOTION** by Van Kirk, second by Balbier to adjourn to executive session for the discussion of personnel relating to the Law Director interview, with the Mayor and Council, current Law Director and Tim Dobeck. **VOTE RESULTED:** *Adjourn to Executive Session:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ADJOURNED TO EXECUTIVE SESSION)**

**MOTION** by Van Kirk, second by Pucci to reconvene. **VOTE RESULTED:** *To Reconvene:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(RECONVENED)**

**MOTION** by Van Kirk, second by DeMarco to confirm the appointment of Kevin Butler for the position of Law Director for the City of Brooklyn. **VOTE RESULTED:** *To Confirm Appointment:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(APPOINTMENT CONFIRMED)**

City Council welcomed Kevin Butler to the City of Brooklyn. Tom Kelly (acting Law Dir.) wanted to tell everyone he had a ball here, delighted in making the acquaintance of Mayor/Council, working for Katie and Rich; the lean support staff is excellent, and work their hardest for the citizens of Brooklyn, and you should be proud of the job they are doing for Mayor/Council and the community. He thanked everyone. Int. Van Kirk thanked him for stepping in during the difficult time for the city and helping tremendously. Everyone thanked him.

There being no further business, **MOTION** by Van Kirk, second by Pucci to adjourn. **VOTE RESULTED:** *To Adjourn:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ADJOURNED)**

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Clerk of Council

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President of Council